

# Order

**Michigan Supreme Court  
Lansing, Michigan**

May 27, 2015

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2013-35

Stephen J. Markman

Mary Beth Kelly

Brian K. Zahra

Amendment of Rule 7.211  
of the Michigan Court Rules

Bridget M. McCormack

David F. Viviano

Richard H. Bernstein,  
Justices

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 7.211 of the Michigan Court Rules is adopted, effective September 1, 2015.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

## Rule 7.211 Motions in Court of Appeals

(A)-(B)[Unchanged.]

(C) Special Motions. If the record on appeal has not been sent to the Court of Appeals, except as provided in subrule (C)(6), the party making a special motion shall request the clerk of the trial court or tribunal to send the record to the Court of Appeals. A copy of the request must be filed with the motion.

(1) Motion to Remand.

(a)-(b)[Unchanged.]

(c) In a case tried without a jury, the appellant need not file a motion for remand or a motion for a new trial to challenge the great weight of the evidence in order to preserve the issue for appeal.

(d) [Unchanged.]

(2)-(9)[Unchanged.]

(D)-(E)[Unchanged.]

*Staff Comment:* The amendment of MCR 7.211(C)(1)(c) clarifies that an appellant, in a case tried without a jury, is not required to file a motion for remand or a motion for a new trial to challenge the great weight of the evidence to preserve the issue for appeal.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 27, 2015

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk